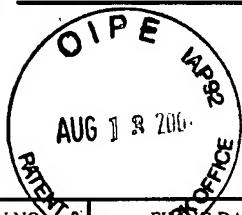




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| APPLICATION NO. | RECEIVED DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|---------------|-------------------------|--------------------------------|-----------------------|
| 10/665,337 | 09/18/2003 | John E. Nash | KN P 0125 | 5437 |
| 7590 Jeffrey C. Kelly Kensey Nash Corporation 55 East Uwchlan Avenue Exton, PA 19341 | | 08/06/2007 | EXAMINER TRUONG, KEVIN THAO | |
| | | | ART UNIT 3734 | PAPER NUMBER PAPER |
| | | MAIL DATE 08/06/2007 | DELIVERY MODE PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/665,337 | NASH ET AL. | |
| | Examiner | Art Unit | |
| | Kevin T. Truong | 3734 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-87 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/13/05; 144208 on

- 4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. ____.

- 5) Notice of Informal Patent Application

- 6) Other: ____.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-87 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-80 and 85-89 of prior U.S. Patent No. 6,905,505. This is a double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

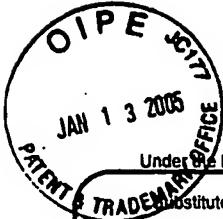
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kevin T. Truong
Primary Examiner
Art Unit 3734

ktt



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| ✓ | | US- 4775371 | 10/4/88 | Mueller, Jr. | |
| | | US- 5120308 | 6/9/92 | Hess | |
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| | | US- 5209727 | 5/11/93 | Radish, Jr. et al | |
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| | | US- 6080170 | 6/27/00 | Nash et al | |
| | | US- 6093157 | 7/25/00 | Chandrasekaran | |
| | | US- 6126667 | 10/3/00 | Barry et al | |
| | | US- 6135991 | 10/24/00 | Muni et al | |
| | | US- 6217567 | 4/17/01 | Zadno-Azizi et al. | |
| ✓ | | US- 6235042 | 5/22/01 | Katzman | |

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|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
| ✓ | | WO 01/10313 | 2/15/01 | Kensey Nash | | |
| | | WO 00/54659 | 9/21/00 | Prolifix Med | | |
| | | EP 0806212 | 11/12/97 | Matrix Medical | | |
| | | WO 92/21386 | 12/10/92 | Biocompatibles | | |
| | | WO 98/04199 | 2/5/98 | Kensey Nash | | |
| ✓ | | WO 99/21510 | 5/6/99 | Kensey Nash | | |

Examiner Signature

R. J. P. M. N. S.

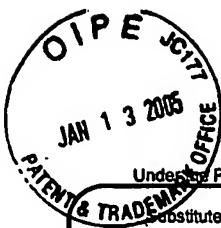
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| Filing Date | 09/18/2003 |
| First Named Inventor | Nash, John E. |
| Art Unit | 3731 |
| Examiner Name | |

Attorney Docket Number KN P 0125

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|--------------------|-----------------------|---|--------------------------------|--|---|
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| | | US- 5900246 | 05/04/99 | Lambert | |
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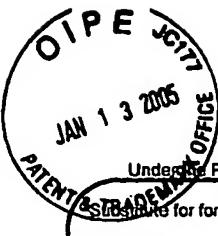
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| First Named Inventor | Nash, John E. |
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| Examiner Name | |

Attorney Docket Number KN P 0125

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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
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| Examiner Signature | <i>K. TRUONG</i> | Date Considered | 11/27/09 |
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| | | Number-Kind Code ² (if known) | | | |
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| | | US- 4700705 | 10-20-1987 | Kensey et al. | |
| | | US- 4747821 | 05-31-1988 | Kensey et al. | |
| | | US- 5042984 | 08-27-1991 | Kensey et al. | |
| | | US- 4589412 | 05-20-1986 | Kensey | |
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| | | US- 5009659 | 04-23-1991 | Hamlin et al. | |
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| | | US- 5402790 | 04-04-1995 | Jang et al. | |
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|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| W | | EP 0353087 | 01-31-1990 | Shiber, Samual | | |
| | | WO 93/00119 | 01-07-1993 | Lake Region Mfg | | |
| W | | WO 95/21576 | 08-17-1995 | Microvena Corp | | |
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Examiner Signature

C. Theron

Date Considered

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| | | Number-Kind Code ² (<i>if known</i>) | | | |
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| | | US- 5030201 | 07-09-1991 | Palestrant | |
| | | US- 4679558 | 07-14-1987 | Kensey et al. | |
| | | US- 4696667 | 09-29-1987 | Masch | |
| | | US- 4762129 | 08-09-1988 | Bonzel | |
| | | US- 4842579 | 06-27-1989 | Shiber | |
| | | US- 4857045 | 08-15-1989 | Rydell | |
| | | US- 4883458 | 11-28-1989 | Shiber | |
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| | | US- 5049124 | 09-17-1991 | Bales, Jr. | |
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| | | US- 5097849 | 03-24-1992 | Kensey et al. | |
| | | US- 5114399 | 05-19-1992 | Kovalcheck | |
| | | US- 5195956 | 03-23-1993 | Stockmeier | |
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| | | US- 5314407 | 05-24-1994 | Auth et al. | |

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| Examiner Signature | K. J. Dusek | Date Considered | 10/27/06 |
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Sheet 3 of 4

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|------------------------|---------------|
| Application Number | 10/665,337 |
| Filing Date | 09/18/2003 |
| First Named Inventor | Nash, John E. |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | KN P 0125 |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | | Number-Kind Code ² (if known) | | | |
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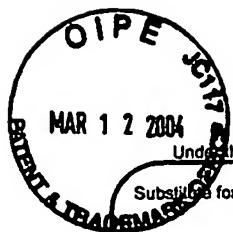
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| Application Number | 10/665,337 |
| Filing Date | 09/18/2003 |
| First Named Inventor | Nash, John E. |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number KN P 0125 | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| b | | Rotoblator; Heart Technology, Inc | |
| 2 ✓ | | Extraction Atherectomy, Putting Plaque and Thrombus in their Proper Place; Interventional Technologies, Inc. | |
| 2 | | AngioJet Rapid Thrombectomy System; Possis Medical Inc. Innovations for Life; May, 1996. | |
| 4 | | Rheolytic Thrombectomy System AngioJet; Possis Medical, Inc. Innovations for Life. | |
| DK | | Amplatz Thrombectomy Device, The Clot-Buster; Microvena Corporation. | |
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| Examiner Signature | <i>[Signature]</i> | Date Considered | 11/21/05 |
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